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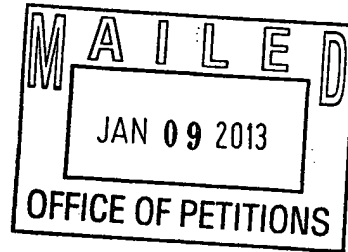
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In re Application of :
Polidi :
Application No. 08/905,461 :
Patent No. 5,788,616 : DECISION ON PETITION
Filed: August 4, 1997 : UNDER 37 C.F.R. § 1.378(C)
Issue Date: August 4, 1998 :
Attorney Docket No.: 12720 :
Title: MECHANICAL WEIGHTLIFTING :
MACHINE :

This is a decision on the petition filed pursuant to 37 C.F.R. § 1.378(c) on September 17, 2012, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

This petition pursuant to 37 C.F.R. § 1.378(c) is GRANTED.

The patent, issued on August 4, 1998. The grace period for paying the 1½-year maintenance fee provided in 37 C.F.R. § 1.362(e) expired at midnight on August 4, 2010, with no payment received. Accordingly, the patent expired on August 4, 2010 at midnight.

A grantable petition pursuant to 37 C.F.R. § 1.378(c) must be accompanied by:

- (1) The maintenance fee as set forth in 37 C.F.R. §§ 1.362(e) and 1.20;
- (2) The surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee, as set forth in 37

C.F.R. § 1.20;

- (3) A statement that the delay was unintentional from a proper party in interest, and;
- (4) The petition must be filed within 24 months of the date of expiration.

With this petition, Petitioner submitted a statement that the delay in payment of the maintenance fee was unintentional, the surcharge associated with a petition to accept late payment of a maintenance fee as unintentional, and the 7½-year maintenance fee. This petition was timely filed within twenty-four months after the expiration of the six-month grace period.¹

Petitioner has met each of the requirements of 37 C.F.R. § 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.² Inquiries pertaining to the submission of maintenance fees should be directed to the Maintenance Fee branch at 571-272-6500.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this patent, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to the address which appears on the petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this patent unless Change of Correspondence Address, Patent Form (PTO/SB/123) is


¹ It is noted the petition contains a certificate of mailing dated August 3, 2012.

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

submitted for the above-identified patent. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/123), may be found at <http://www.uspto.gov/web/forms/sb0123.pdf>.

If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540.

A blank fee address form may be found at <http://www.uspto.gov/web/forms/sb0047.pdf>.



Paul Shanoski
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Office of Petitions

cc: Richard Polidi
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